

ADVISORY COMMISSION ON SPECIAL EDUCATION

October 24, 2002
MEETING MINUTES

APPROVED 11/22/02

SONOMA DEVELOPMENTAL CENTER, MCDOUGALL BUILDING, CHAPEL ROOM
15000 ARNOLD DRIVE
ELDRIDGE, CA 95431

Thursday, October 24, 2002

Commission Members Present

Patty Boyle	Janet Mangini
Catherine Conrado	Barbara R. Monroe
Catherine E. Garbacz, Vice-Chair	Jim Woodhead
Karla Geller	Linda Wyatt
Angela Hawkins, Chair	

Commission Members Absent

Don Burns	Patricia Flores-Charter
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Student Member Present

Kevin Verdi

Student Member Absent

Sean Rossall

Legislative Members Absent

Charles Poochigian, Senate Member	Fran Pavley, Assembly Member
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Governor's Office, Deputy of Education K-12, Liaison Absent

Lynn Lorber

State Board of Education Liaison Absent

Robert Abernethy

Department of Education Staff Present

Ronald S. Kadish, Director State Special Schools Division	Dennis Kelleher, Staff Liaison
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Yolanda Starr, Commission Secretary

Department of Education Staff Absent

Alice Parker, Executive Secretary
Director, Special Education Division

Thursday, October 24, 2002

CALL TO ORDER

Chair Angela Hawkins called the meeting to order at 8:50 a.m., and Commissioners pledged allegiance to the flag. Roll was taken and a quorum was present.

INTRODUCTIONS/ANNOUNCEMENTS

Chair Hawkins introduced and acknowledged Karin O'Connor, California State Parents and Teachers Association, John Kassel and Woody Moynahan of the California Teachers Association.

OPERATIONS & PLANNING (O&P) MEETING REPORT

Vice-Chair Catherine Garbacz reported on the Operations and Planning meeting held on October 23, 2002. Points of discussion were:

- The four vacancies on the Commission would not be filled until the November 2002 state elections are over.
- Former Commissioner Shirley Kaltenborn resubmitted her application for reappointment to the Commission.
- Agenda changes: 1) Thursday, 1:30 p.m. – Presentation: Karen McMillan is Administrator, not Director of Special Education, Orange County Department of Education; and 2) Friday, 9:15 a.m. – Presentation speaker will be former Commissioner Larry Komar.
- Approval of minutes was changed from Thursday to Friday for all future meetings.
- O&P meetings would be held at place of lodging for future out of Sacramento meetings.
- Agenda format would remain the same. Future agendas will be duplicated without presenters' names (if not available) and names will be announced at meeting.
- The By-Laws to be sent to all Commissioners before the November 2002 meeting.
- The Annual Report will be sent to the Office of Special Education Programs (OSEP) and Chair Hawkins will write a cover letter to go with it. The Report will also be sent to the Western Region Directors.
- A copy of the meeting minutes' subscribers' mailing list to be sent to Commissioners.
- A recognition dinner will be given to former Commissioners Shirley Kaltenborn, Julie Kennedy, Teri Swanson and Larry Siegel. A dinner will be given in November for those who live in southern California and one in January for those living in northern California. Commissioners who served three or more years would receive a plaque and for service up to three years would receive a certificate.
- Commissioner Linda Wyatt will not attend the Individuals with Disabilities Education Act (IDEA) Summit on January 18, 2003, California State University, Sacramento. Chair Hawkins will request five Commissioners to attend the meeting.
- Chair Hawkins requested an update on the Commission's budget.
- State Board of Education meetings and notebook for Commissioners before attending State Board meetings.

CHAIR REPORT

Chair Hawkins reported former Commissioner Loeb Aronin attended a California Association of Psychologists (CASP) meeting regarding California Alternate Performance Assessment (CAPA) for the Commission and submitted a report. The most significant outcome was a field-testing of CAPA throughout California. The test was on 4,800 students statewide. Results of the test will be reviewed on November 14, 2002. On March 29-April 23, 2003, the CAPA will be administered throughout California.

Educational Testing Service (ETS) was in charge of the testing. Each item was to be written in behavioral terms, not levels. Students who took the first test will again test in the spring.

Chair Hawkins attended one day of the two-day Institute of Higher Education (IHE) meeting that focused on the shortage of highly qualified, special education teachers. Recommendations from the two-day meeting will be sent to the Commission.

LIAISON/COMMISSION REPORTS

Commissioner Linda Wyatt reported she attended the California State Foster Parent Association Annual Conference and conducted a special education workshop. In addition, Commissioner Wyatt recommended two books from the conference: "A Very Happy Story," a reading book for elementary grades and "Foster Care Children, A Guide for Parents and Teachers."

Commissioner Patty Boyle reported she participated in a conference call on October 1, 2002 with the Individuals with Disabilities Education Act (IDEA) Reactor Group. Commissioner Boyle stated she would receive a statewide Individualized Education Program (IEP) template developed by the Special Education Local Plan Areas (SELPA).

Commissioner Catherine Garbacz attended the second day of the Institute of Higher Education (IHE) meeting. The IHE would be seeking guidance from the Commission regarding legislative outlook.

Commissioner Catherine Conrado requested reference be made to pages 3 and 5 of the Bagley-Keene Act for Commissioners to review.

Commissioner Barbara Monroe reported she attended the State Board of Education meeting. There was no opposition to the California High School Exit Exam recommendations of the workgroup headed by Jan Chadlek and the Board will take action at its November meeting. Commissioner Monroe will provide copies of the recommendations to the Commission at the next meeting. Commissioner Monroe also attended the Charter Schools Commission meeting. The focus was on special education needs.

PUBLIC INPUT

There was no public input.

Commission in Recess for Campus Tour and Lunch

Commission recessed for tour of the Sonoma Developmental Campus and Lunch.

PRESENTATION: Students with Severe Handicaps-Curriculum/Standards – State Guidelines, Jan Erickson, Consultant, California Department of Education, spoke to the Commission on state guidelines and the moderate/severe population. In addition, Dr. Erickson provided the Commission with a document entitled, "Guidance-CDE Access to the Core Curriculum, Students with Moderate/Severe Handicaps." The document listed and described the Various Forms of Guidance: 1) Handbooks to the field; 2) Focused Monitoring and Technical Assistance-Quality Assurance Process and ongoing assistance to the field; and 3) regional trainings. See Handout

PRESENTATION: Special Education Administrators of County Offices (SEACO): Special Education Curriculum for Students with Moderate to Severe Disabilities, Karen McMillan, Administrator of Special Education, Orange County Department of Education, presented the Commission with information on SEACO's background in alternate assessment and their rationale. Other

areas covered included IDEA, Mission Statement, Seven Functional Life/Social Skills Areas, Curriculum Integration, Alignment Matrix, how Standards were Modified, Curriculum Guide Components, Core

Curriculum Areas, Resources, Assessment, Individualized Education Program (IEP) Development, Instruction, Training, Continuing Work and Next Steps among others. See Handout. Ms. McMillan may

be contacted at karen_mccmillan@ocde.k12.ca.us or at (714) 966-4120 for copies of this document. — Ms. McMillan stated SEACO would continue working with the California Department of Education on this subject.

REPORT: Special Education Administrators of County Offices (SEACO) Activities, Larry Belkin, Chief, Division of Special Education, Orange County Department of Education, presented a one-page document outlining SEACO's accomplishments and goals.

Accomplishments for 2001/2002 included:

- Developed CAPA position paper and video.
- Joined SELPA position paper on IDEA Reauthorization
- Completed and posted surveys on preschool class size, extended school year, Medi-Cal billing, Bill Back and others.
- Completed template for professional development training on the California Standards for the Teaching Profession (CSTP).
- Increased number of County Offices participating in meetings and paying membership dues. Participated in three state level workgroups (CAPA, Statewide IEP, Interpreter Standards).

Goals for 2002/2003 included:

- Area 1: Increase instructional leadership through the development of materials, products and training.
- Area 2: Develop active partnerships
- Area 3: Use technology to enhance the communication among SEACO members and its Student Program and Services Steering Committee (SPSSC) partners. See handout

Mr. Belkin stated that Angela McNeece was the current SEACO Chair and the new Chair will be Diana Walsh Royce from Riverside County, effective January 2003.

REPORT: Special Education Local Plan Area (SELPA) Activities, Pamela Ptacek, SELPA Administrator and SELPA Chair, San Mateo County Office of Education, provided the Commission with an update and expressed concerns:

- A SELPA federal reform subcommittee will review the IDEA Reauthorization document as well as the "No Child Left Behind Act" document.
- SELPA will participate in the "IDEA Summit" on January 18, 2003, California State University, Sacramento. Ms. Ptacek encouraged the Commission's involvement in the Summit. A goal was to develop a position paper to present to Congress.
- An IDEA Reauthorization Committee will discuss SELPA's contribution to the Summit.
- An IEP template for California was developed to review state and federal regulations and California Special Education Management Information System (CASEMIS) requirements. Ms. Ptacek has been involved in the CDE Task Force on the IEP Process. The IEP template will be presented to the task force at the November 2002 meeting.
- The SELPA was working with Dr. Alice Parker, CDE on measuring educational benefits. Educational benefits are defined as looking at student outcomes.
- Federal funding was cited as a big concern for the SELPA since the governor vetoed AB 1907.
- The Local Plan, due to the CDE on December 1, 2002, is another concern for the SELPA.
- The Size and Scope Standards will be presented to the State Board of Education.

- A new committee, “Qualified Personnel,” was formed to respond to the “No Child Left Behind Act.”
- The Alternative Education Committee, formed by SELPA, will review service delivery for students in court community schools.
- SELPA had worked with Dr. Ron Kadish, CDE on the Interpreter Standards. Ms. Ptacek stated she would share the position paper going to Congress with the Commission.

PUBLIC INPUT

Linda Tung, Chair, Community Advisory Committee (CAC) for Special Education, San Francisco SELPA, San Francisco spoke to the Commission about communication to and between the CAC’s in California. Ms. Tung was a parent of a 14-year old daughter with moderate to severe disability, who was in a special day class. In addition, Ms. Tung stated there was no information on by-laws. She requested that CAC’s receive guidance and methods from the state of California to network with other CAC’s. Ms. Tung stated Diana Blackmon, former CDE Consultant, was the new SELPA director for San Francisco.

Teresa Gallegos, former CAC Chair in San Francisco, spoke to the Commission about three concerns:

1. Grading Standards: There were no grading standards for students with disabilities.
2. The California High School Exit Exam: Ms. Gallegos encouraged the Commission to take a position that would keep students with differences from failing the exam.
3. Non-Public Schools and Day Treatment Programs: Students did not have access to core curriculum or to multiple abilities. Ms. Gallegos suggested these programs needed to be monitored better.

ACTION ITEMS: 1. Regulations Implementing Some Aspects of the Individuals with Disabilities Education Act (IDEA); 2. Advisory Commission on Special Education (ACSE) Agenda Format Changes, Commission Chair Angela Hawkins:

1. Regulations Implementing Some Aspects of the Individuals with Disabilities Education Act (IDEA):

Chair Hawkins explained that the Regulations aligned California law with federal law. The following sections were clarified:

Section 441: Test protocol - school districts need to keep record of persons who request access to records.

Section 442: Record inspection procedures - focused on making sure each student’s record was not compromised with another students’ data when duplicating records for mailing.

Section 443: Parents were to be kept apprised of location of students’ records.

Section 444: Process to be followed in amending student records.

Section 445: Clarified when parental consent was required when personal information is disclosed to other than participating agencies.

Section 446: Was added to outline the process to protect confidentiality of personal identifiable information.

Section 447: Notification of student or parents before destruction of records.

Section 448: Public is to be informed that special needs children are afforded the same rights of privacy as those afforded those in general education.

Section 449: Public and parents are to be informed regarding California’s policies, procedures and sanctions.

Section 450: Disciplinary Action –Transfer of the same type of disciplinary information about a special needs student as for a student in general education.

Section 3015: Written procedure for inspection – having written procedures for reviewing programs.

Section 3020: Child Find – Responsibility to seek out migrant and homeless children who need special education services.

Section 3041: Each public agency to make a good faith effort to assist students to achieve goals and objectives or benchmarks listed in the IEP.

Section 3044: Clarifying that each local education agency must ensure that a free, appropriate, public education is available to any child who may need special education.

Section 3052: Clarifies that the IEP team determines when modification to positive behavior intervention plan would require an IEP team meeting. Also clarifies that a Functional Analysis Assessment (FAA) does not mean the same as Functional Behavioral Assessment.

Section 3080: Clarifies due process procedures – due process procedures are also applicable to complaints. If a Hearing Officer requests an independent assessment, cost of assessment shall be at public expense.

Section 3082.1: If a parent, guardian or attorney requests a due process hearing, the request must remain confidential. Failure to fill out form does not keep parent, guardian or attorney from the hearing. Chair Hawkins stated the last two sections dealt with 1) Qualifications for Hearing Officers and list types of individuals who may not conduct due process hearings, and 2) Clarification of qualifications for mediators.

2. Advisory Commission on Special Education (ACSE) Agenda Format Changes

It was decided the agenda would not be held up from printing if presenters' names were not available.

M/S/C 02-10-01
MOVE TO SUPPORT CHANGES IN REGULATIONS
Wyatt/Garbacz

Discussion: Action of the Commission was to give recommendation to the State Board of Education who will act on the recommendation. The motion carried with no opposition.

STATE SPECIAL SCHOOLS DIVISION REPORT: Ron Kadish, Director, State Special Schools Division, California Department of Education (CDE), reported:

The CDE is preparing for the transition of the newly elected State Superintendent of Public Instruction. Dr. Kadish will not attend the ACSE November meeting since that date conflicts with his participation in the farewell celebration for the outgoing State Superintendent of Public Instruction.

Dr. Kadish reviewed some of the current budgetary exercises and policies in place to meet the challenges of the current statewide budgetary crisis. All state agencies, including the CDE, have been required to submit to the Department of Finance a plan for a possible 20% reduction in state operating expenses. This action follows the recent abolishment of 105 vacant positions from CDE in addition to 18 positions abolished from the State Special Schools. In addition, a statewide hiring freeze has been in effect for nearly 9 months.

SPECIAL EDUCATION DIVISION REPORT: Dennis Kelleher, Consultant and ACSE Staff Liaison, California Department of Education, reported on Alice Parker's behalf:

- Eleven positions were lost permanently due to another budget act that occurred in Spring 2001 that stated any position vacant 6 months or longer as of June 30 would be abolished. In addition, more positions would be lost if there was 20 per cent reduction of the budget. Staff shortage was the result of the hiring freeze of new staff. All positions had to have Department of Finance and Governor approval and significant delays had occurred in getting approvals.
- The schedule of the Quality Assurance Process (QAP) Reviews was yet, not available due to prioritizing work with decreased staff. Travel restrictions had also impacted the QAP Reviews.
- Printout of budget was also not available due to lack of staff.
- The Governor eliminated 7,000 positions and incentives for retirements had been initiated.
- Lack of communication with Special Education Division (SED) due to staff moving to two different locations because of an environmental hazard that posed health and safety issues.

- The Program Services Unit with Mary Hudler as Administrator was created in the Special Education Division. Staff in the unit are Chris Drouin, Georgianne Knight, Darlene Helbling, Jennifer Faulkner and Dennis Kelleher.
- Nancy Remley is the new manager for the Focused Monitoring and Technical Assistance (FMTA) 3.

Commissioners' Discussion

Chair Hawkins requested Dennis Kelleher to research the Community Advisory Committee (CAC) having its own listserv. It was suggested that Parent Training Institutes were funded throughout the state and could be contacted to provide a listserv for CAC.

A suggestion was made that grading standards for special education students may not need to change if appropriate accommodations were provided.

As there was no further business, the meeting adjourned at 4:30 p.m.

Friday, October 25, 2002

Commission Members Present

Patty Boyle	Janet Mangini
Catherine Conrado	Barbara Monroe
Catherine E. Garbacz, Vice-Chair	Jim Woodhead
Karla Geller	Linda Wyatt
Angela Hawkins, Chair	

Commission Members Absent

Don Burns	Patricia Flores-Charter
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Student Members Present

Kevin Verdi

Student Members Absent

Sean Rossall

Legislative Members Absent

Charles Poochigian, Senate Member	Fran Pavley, Assembly Member
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Governor's Office, Deputy of Education K-12, Liaison Absent

Lynn Lorber

State Board of Education Liaison Absent

Robert Abernethy

Department of Education Staff -Present

Dennis Kelleher, Staff Liaison	Yolanda Starr, Commission Secretary
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Department of Education Staff -Absent

Ronald S. Kadish, Director State Special Schools Division	Alice Parker, Executive Secretary Director, Special Education Division
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Friday, October 25, 2002

CALL TO ORDER

Chair Angela Hawkins called the meeting to order at 8:30 a.m., and Commissioners pledged allegiance to the flag. Roll was taken and a quorum was present.

ANNOUNCEMENTS

Chair Hawkins announced a group call to the Riverside Marriott would be made to guarantee lodging reservations for the November meeting.

STUDENT MEMBERS' REPORTS

Student Member Kevin Verdi reported he was nominated for a youth advocate award from Orange County Dale McIntosh Center, an independent living center. Mr. Verdi recommended the Commission remain with the Governor's Committee for recruitment of student members for the Commission.

REVIEW/APPROVAL OF SEPTEMBER MINUTES

The minutes will be approved at the November meeting.

PRESENTATION: Education Code Section 49423.6 Medication Rules and Regulations, Larry Komar. There was no presentation given.

PRESENTATION: "No Child Left Behind (NCLB)" Legislation Implications for Special Education, Janet Canning, Consultant, California Department of Education, explained that the "No Child Left Behind Act 2001" was the new federal law for the reauthorization of the Elementary Secondary Education Act (ESEA).

Ms Canning focused her presentation on Accountability and Teacher Quality. Accountability included: Assessment, Reporting Requirements and Contents of Annual Report Card.

Teacher Quality:

National Intended Consequence of NCLB:

- Most needy students get the most highly qualified teachers.

California:

- "Highly Qualified" Special education teacher preparation is a capacity issue.
- Paraprofessional not Highly Qualified paraprofessional could be re-assigned to non-Title I program in Targeted Assistant (TA) school

In addition, Ms Canning gave an overview to the Commission on the principles of education reform, and the NCLB Performance Goals.

Ms. Canning agreed to send, by e-mail, the slides of her presentation to the Commission secretary who would forward them to the Commission. In addition, Ms. Canning requested ACSE representation at meetings of the California Institutions on Higher Education (IHE) Strategic Task Force on Recruitment Preparation and Retention of Special Education Teachers. The meeting will be held on November 15, 2002. CalTeach supported the two-day IHE event, "IHE Connections: Addressing the Shortage of Highly Qualified Special Education Teachers" for special education professors in the State.

Year-End Legislation Summary

The following bills were either vetoed or chaptered:

AB 164-Harman - Special Education: Due Process Hearings -vetoed

AB 323-Pavley - Eligible juveniles for special education and Legislative Analyst to conduct a study and report be given to the Governor and Legislature before July 2002 –vetoed
AB 634-Wesson - Minimum age of compulsory school attendance - vetoed
AB 886-Simitian - Parental authority: educational decisions - chaptered
AB 925-Aroner - Employment of persons with disabilities - chaptered
AB 1422-Thomson - Mental health advocacy – vetoed
AB 1818-Comm.on Educ.- Regulations to provide assistance to certain activities and special education - chaptered
AB 1859-Papan - Special education pupil suspension expulsion - chaptered
AB 1895-Wright - Teachers who cannot be sanctioned against by districts if they provide support to parents on special education issues - chaptered
AB 2326-Frommer - Braille reading standards - chaptered
AB 2444-Dutra - The CDE to consider salaries for teachers, specialists, and administrators of state special schools competitive with those of similarly qualified employed at school districts – chaptered
AB 2507-Pacheco, Rod - State Special Schools pupils – vetoed
AB 2525-Jackson - Voting machines for non-visual students – chaptered
AB 2600-Pavley - Assigning timeline to development of CAHSEE – vetoed
AB 2616-Lowenthal - Sponsored by the National Federation of the Blind of California. California State University to receive funds for training teachers of visually impaired pupils vetoed
AB 2668-Zettel - Curricula to prevent injury of brain and spinal cord in grades 1 to 12 – chaptered
AB 2740-Chan - Developing a state mental health plan for children – vetoed
AB 2741-Chan - Children’s school readiness and Health Council – vetoed
AB 3035-Judic.Comm. - Access to government programs – chaptered
SB 105-Burton - Services for the blind, visually impaired, deaf and hard of hearing – chaptered
SB 1379-O’Connell - Clarify licensing authorization for speech-language pathologists to perform endoscopies- chaptered
SB 1677-Alpert - Surrogate parents to make educational decisions for children if parents or guardians are not available – chaptered
SB 1708-Poochigian - Charter schools to run extended year of instruction for special education students – chaptered
SB 1911-Ortiz - Identifying barriers to mental health for children covered by private health insurance – chaptered
SB 2012-Margett - ACSE Sponsored bill: Parent information rights – chaptered
SB 2029-Alarcon - Teacher certification: district interns – chaptered

PUBLIC INPUT

JoAnn “Jo” Behm, President, Learning Disabilities Association (LDA), Novato, expressed concerns regarding the California High School Exit Exam (CAHSEE), and presented from a document entitled, “Status of High Stakes Testing: Classrooms, Courtrooms, and Congress.” The document provided information on CAHSEE history, Sample “Essential” standards for Math and English-Language Arts and answered questions such as, “Was the CAHSEE field tested for variables in California ethnicity?” In addition, the document included the 2000-01 Report of the Status of Teacher Shortage Crisis. In conclusion, Ms. Behm encouraged the Commission to not support the CAHSEE, which would prohibit diplomas for special education students. Ms. Behm stated the test favored students from affluent communities.

Commissioners’ Discussion on Coalition Building, Jim Woodhead, Commissioner, ACSE, stated he attended a Pupil Services Coalition meeting. The group consisted of psychologists, social workers, speech and language pathologist, nurses and others. Commissioner Woodhead stated it was a “service provider Coalition.” In addition, Commissioner Woodhead attended meetings of the Individuals with Disabilities Act (IDEA) “Reactor Group.” Meetings consisted of conference calls. The Reactor Group decided to hold a summit meeting on IDEA Reauthorization. Commissioner Woodhead requested

additional guidance from the Commission on coalition building. He requested comments from the Commission regarding its role as a support body for organizations interested in forming coalitions as opposed to a role building a coalition.

Chair Hawkins reinforced Commissioner Woodhead's interpretation of the Commission's role as a guiding and supporting body.

Commissioner Woodhead expressed concern that the IDEA Reactor Group was more administratively attended than parent representation and teacher organizations had not been involved in the Group.

Commissioner Patty Boyle added that the purpose of the Summit was to develop a document from the organizations that attend the Summit. In addition, representatives from the Summit will go to Washington, D.C. in February 2003 with the document.

Commissioner Linda Wyatt expressed that she viewed the Commission as being an advisory group as well as an advocacy group because of its support of special education programs and student services.

As there was no further business, the meeting adjourned at 12:00 p.m.